

# SENATE BILL 572

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By: **Senators Ferguson and Madaleno**

Introduced and read first time: February 1, 2013

Assigned to: Budget and Taxation and Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Early Learning Challenge and School Readiness Act**  
3 **(Race to the Tots)**

4 FOR the purpose of establishing the Early Learning Challenge and School Readiness  
5 Grant Program in the State Department of Education; providing for the purpose  
6 and priorities of the Program; establishing the Early Learning Challenge and  
7 School Readiness Grant Program Fund as a special fund to be used for certain  
8 purposes; requiring the Division of Early Childhood Development in the  
9 Department to administer the Fund; providing for the composition of the Fund;  
10 providing that money in the Fund may not take the place of certain other  
11 funding; requiring the Governor to include a certain appropriation in the State  
12 budget in certain fiscal years; requiring the Department to submit a certain  
13 report to the General Assembly on or before a certain date each year; requiring  
14 a certain report to include certain information; authorizing the Department to  
15 accept money from certain sources to award grants under the Program;  
16 requiring the Division to solicit certain grant proposals from certain local early  
17 childhood advisory councils; providing for the requirements of certain grant  
18 proposals; requiring the Division to approve certain grant proposals that meet  
19 certain priorities; requiring the Division to give priority to certain proposals;  
20 requiring the Department to adopt certain regulations to implement the  
21 Program and to submit a certain report to the Governor and the General  
22 Assembly each year; defining certain terms; and generally relating to the  
23 Maryland Early Learning Challenge and School Readiness Grant Program.

24 BY adding to  
25 Article – Education  
26 Section 5–218  
27 Annotated Code of Maryland  
28 (2008 Replacement Volume and 2012 Supplement)

29 BY repealing and reenacting, without amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Government  
2 Section 9–1A–30  
3 Annotated Code of Maryland  
4 (2009 Replacement Volume and 2012 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Education**

8 **5–218.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
10 MEANINGS INDICATED.

11 (2) “DIVISION” MEANS THE DIVISION OF EARLY CHILDHOOD  
12 DEVELOPMENT IN THE DEPARTMENT.

13 (3) “FUND” MEANS THE EARLY LEARNING CHALLENGE AND  
14 SCHOOL READINESS GRANT PROGRAM FUND.

15 (4) “LOCAL ECAC” MEANS AN EARLY CHILDHOOD ADVISORY  
16 COUNCIL ESTABLISHED IN A COUNTY.

17 (5) “PROGRAM” MEANS THE EARLY LEARNING CHALLENGE AND  
18 SCHOOL READINESS GRANT PROGRAM.

19 (B) (1) THERE IS AN EARLY LEARNING CHALLENGE AND SCHOOL  
20 READINESS GRANT PROGRAM IN THE DEPARTMENT.

21 (2) THE PURPOSE OF THE PROGRAM IS TO INCREASE THE  
22 NUMBER OF CHILDREN IN HIGH-QUALITY LEARNING PROGRAMS THROUGH  
23 LOCALLY DETERMINED ENHANCEMENT PROJECTS, INCLUDING THE OPERATION  
24 OF:

25 (I) PRESCHOOL FOR ALL SITES AT WHICH  
26 PREKINDERGARTEN PROGRAMS ARE INTEGRATED IN CHILD CARE OR HEAD  
27 START SETTINGS WITH A FOCUS ON:

28 1. PROMOTING ACCOUNTABILITY FOR SCHOOL  
29 READINESS AND SPECIFIC DEVELOPMENTAL AND LEARNER OUTCOMES FOR  
30 CHILDREN;

1                                   **2. DEVELOPMENT OF A PREKINDERGARTEN**  
2 **THROUGH GRADE 3 ALIGNMENT OF STANDARDS AND PRACTICES; AND**

3                                   **3. PROMOTING EARLY LEARNING STANDARDS IN**  
4 **ALL EARLY CHILDHOOD EDUCATION PROGRAMS;**

5                                   **(II) COMMUNITY HUBS TO PROVIDE AND COORDINATE**  
6 **EXISTING SERVICES IN THE COMMUNITY FOR FAMILIES WITH CHILDREN FROM**  
7 **BIRTH THROUGH AGE 5 WITH A FOCUS ON:**

8                                   **1. ENGAGING AND SUPPORTING FAMILIES; AND**

9                                   **2. IDENTIFYING AND ADDRESSING THE HEALTH,**  
10 **BEHAVIORAL, AND DEVELOPMENTAL NEEDS OF CHILDREN WITH HIGH NEEDS;**  
11 **AND**

12                                   **(III) PROFESSIONAL DEVELOPMENT ACTIVITIES TO**  
13 **INCREASE THE NUMBER OF CHILD CARE PROVIDERS ATTAINING CHECK LEVELS**  
14 **4 AND 5 IN THE MD EXCELS PROGRAM WITH THE FOCUS ON PROMOTING A**  
15 **COMPETENT WORKFORCE IN EARLY CHILDHOOD EDUCATION THROUGH**  
16 **PROFESSIONAL DEVELOPMENT OF EARLY CHILDHOOD EDUCATORS.**

17                   **(c) (1) THERE IS AN EARLY LEARNING CHALLENGE AND SCHOOL**  
18 **READINESS GRANT PROGRAM FUND IN THE DEPARTMENT.**

19                                   **(2) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS**  
20 **NOT SUBJECT TO REVERSION UNDER § 7-302 OF THE STATE FINANCE AND**  
21 **PROCUREMENT ARTICLE.**

22                                   **(II) THE STATE TREASURER SHALL HOLD THE FUND**  
23 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

24                                   **(3) THE DIVISION SHALL ADMINISTER THE FUND.**

25                                   **(4) THE FUND CONSISTS OF:**

26                                   **(I) GIFTS AND GRANTS THAT THE DEPARTMENT RECEIVES**  
27 **UNDER THIS SECTION; AND**

28                                   **(II) CONTRIBUTIONS TO THE FUND FROM THE EDUCATION**  
29 **TRUST FUND UNDER § 9-1A-30 OF THE STATE GOVERNMENT ARTICLE.**

30                                   **(5) (I) MONEY IN THE FUND MAY BE USED ONLY TO:**

1                   1.     **MAKE GRANTS UNDER SUBSECTION (E) OF THIS**  
2 **SECTION; AND**

3                   2.     **SUBJECT TO SUBPARAGRAPH (II) OF THIS**  
4 **PARAGRAPH, PAY THE COSTS OF ADMINISTERING THE FUND THROUGH**  
5 **DISTRIBUTION TO AN ADMINISTRATIVE COST ACCOUNT IN THE DEPARTMENT.**

6                   **(II) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT**  
7 **THE COSTS OF ADMINISTERING THE FUND NOT EXCEED 7% OF THE TOTAL**  
8 **FUNDS APPROPRIATED IN ANY FISCAL YEAR.**

9                   **(6) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO**  
10 **AND MAY NOT TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE**  
11 **APPROPRIATED TO THE DEPARTMENT, AGENCIES, OR PROVIDERS FOR**  
12 **PROGRAMS RELATING TO EARLY CHILDHOOD EDUCATION.**

13                   **(7) THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET FOR**  
14 **FISCAL YEARS 2015 AND 2016 AN APPROPRIATION OF \$10,000,000 FROM THE**  
15 **EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-30 OF THE STATE**  
16 **GOVERNMENT ARTICLE TO THE FUND.**

17                   **(8) (I) ON OR BEFORE AUGUST 31 OF EACH YEAR, THE**  
18 **DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN**  
19 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE**  
20 **STATUS OF THE FUND.**

21                   **(II) THE REPORT SHALL INCLUDE:**

22                   1.     **THE GROSS AMOUNT OF GIFTS AND GRANTS**  
23 **CREDITED TO THE FUND;**

24                   2.     **THE COSTS OF ADMINISTRATION OF THE FUND;**  
25 **AND**

26                   3.     **A DETAILED ACCOUNTING OF THE USE OF THE**  
27 **FUND.**

28                   **(D) THE DEPARTMENT MAY ACCEPT MONEY FROM ANY PUBLIC OR**  
29 **PRIVATE SOURCE TO FUND GRANTS AWARDED UNDER THIS SECTION.**

1           **(E) (1) THE DIVISION SHALL SOLICIT GRANT PROPOSALS FROM**  
2 **LOCAL ECACs TO INCREASE THE NUMBER OF CHILDREN IN HIGH-QUALITY**  
3 **EARLY LEARNING PROGRAMS DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**

4           **(2) (I) A GRANT PROPOSAL SUBMITTED TO THE DIVISION BY A**  
5 **LOCAL ECAC SHALL:**

- 6                           **1. IDENTIFY THE GOALS TO BE ACHIEVED; AND**  
7                           **2. PROPOSE CRITERIA FOR MEASURING SUCCESS IN**  
8 **ACHIEVING EACH GOAL.**

9                           **(II) THE DIVISION MAY REQUIRE A LOCAL ECAC GRANT**  
10 **PROPOSAL TO INCLUDE DIFFERENT OR ADDITIONAL CRITERIA FOR MEASURING**  
11 **SUCCESS IN ACHIEVING STATED GOALS.**

12           **(3) (I) THE DIVISION SHALL APPROVE GRANT PROPOSALS AND**  
13 **AWARD GRANTS IN ACCORDANCE WITH THE PROGRAM PRIORITIES SET FORTH**  
14 **IN SUBSECTION (B) OF THIS SECTION.**

15                           **(II) THE DIVISION SHALL GIVE PRIORITY TO GRANT**  
16 **PROPOSALS THAT:**

17                           **1. TARGET AREAS OF HIGH NEED, INCLUDING AREAS**  
18 **WITH HIGH STUDENT ENROLLMENT OF ENGLISH LANGUAGE LEARNERS,**  
19 **STUDENTS WITH SPECIAL NEEDS, AND DATA THAT SHOWS STUDENTS LACK**  
20 **SCHOOL READINESS INDICATORS; AND**

21                           **2. PROPOSE THE ESTABLISHMENT OF**  
22 **PUBLIC-PRIVATE PARTNERSHIPS THAT MATCH PRIVATE FUNDING WITH**  
23 **PUBLIC GRANT FUNDING AWARDED TO THE LOCAL JURISDICTION.**

24                           **(III) THE DIVISION SHALL GIVE PRIORITY TO GRANT**  
25 **PROPOSALS THAT INCLUDE ADDITIONAL FUNDING FROM SOURCES OTHER THAN**  
26 **THE STATE.**

27           **(F) THE DEPARTMENT SHALL:**

28                           **(1) ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM,**  
29 **INCLUDING FISCAL ADMINISTRATION OF THE PROGRAM; AND**

1                   **(2) REPORT ANNUALLY TO THE GOVERNOR AND, IN ACCORDANCE**  
2 **WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**  
3 **ASSEMBLY ON:**

4                   **(I) THE NUMBER OF GRANT REQUESTS RECEIVED;**

5                   **(II) THE DOLLAR VALUES OF THE GRANTS PROVIDED TO**  
6 **THE LOCAL JURISDICTIONS;**

7                   **(III) THE PURPOSES FOR WHICH THE GRANTS WERE**  
8 **PROVIDED;**

9                   **(IV) THE NUMBER OF GRANT REQUESTS THAT THE**  
10 **PROGRAM WAS UNABLE TO FUND AND THE REASON WHY THOSE REQUESTS**  
11 **WERE NOT FUNDED; AND**

12                   **(V) THE OUTCOMES THAT WERE ACHIEVED AS A RESULT OF**  
13 **THE GRANTS.**

14   **Article – State Government**

15 9-1A-30.

16           (a) There is an Education Trust Fund which is a special, nonlapsing fund  
17 that is not subject to § 7-302 of the State Finance and Procurement Article.

18           (b) (1) There shall be credited to the Education Trust Fund all proceeds  
19 allocated to the Fund under § 9-1A-27 of this subtitle.

20           (2) Money in the Education Trust Fund shall be invested and  
21 reinvested by the Treasurer, and interest and earnings shall accrue to the Fund.

22           (c) Money in the Education Trust Fund shall be used to:

23           (1) provide funding for public elementary and secondary education,  
24 through continuation of the funding and formulas established under the programs  
25 commonly known as the Bridge to Excellence in Public Schools Act, first enacted by  
26 Chapter 288 of the Acts of the General Assembly of 2002, including the funding for  
27 regional differences in the cost of education under § 5-202(f) of the Education Article;

28           (2) provide funds to construct public school buildings and provide  
29 public school capital improvements in accordance with §§ 5-301 through 5-303 of the  
30 Education Article;

1                   (3)     provide funds for capital projects at community colleges and public  
2 senior higher education institutions; and

3                   (4)     provide funds to expand public early childhood education programs  
4 in the State;

5                   (d)     Expenditures from the Education Trust Fund shall be made each fiscal  
6 year in accordance with the State budget.

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 July 1, 2013.